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Thomasenia P. Duncan  
General Counsel  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20463

**Re: MUR 6155, Hillary Clinton for President and Shelly Moskwa, as Treasurer**

Dear Ms. Duncan:

This is the response of our clients, Hillary Clinton for President and Shelly Moskwa, as Treasurer (collectively, the "Committee" or "Respondents") to the complaint filed in Matter Under Review ("MUR") 6155.

In short, complainant asserts that he sought a refund of his \$2,300 contribution that was designated to the 2008 presidential general election, as Senator Clinton was not a candidate in that election. Complainant apparently did not receive the timely refund check issued to him at his address of record. While the Committee completely regrets any inconvenience to complainant, we urge the Commission to find that no violation of law was committed by the Committee.

Upon receipt of this complaint, the Committee reviewed its bank records and confirmed that a refund check was issued to complainant on August 28, 2008, and duly reported on the Committee's applicable FEC report. Further review indicated that this refund check, had, in fact, been cashed. A copy of the check, with the accompanying endorsement to indicate that it had been cashed, is attached hereto. See Exhibit A. The refund check was sent by the Committee's compliance department to the complainant's address of record, which upon information and belief, the Committee understands to be the address of complainant's former employer.

Upon receipt of this complaint and review of the Committee's bank records, it appears that the refund check issued by the Committee was endorsed and deposited by someone other than complainant. See Exhibit A. The Committee has come to this conclusion based on the endorsement of the check and the representations of complainant that it was not he that endorsed it. The Committee has no information as to how or why this happened and was altogether unaware of this occurrence until reviewing the records in connection with this complaint.

Consequently, as part of an internal review, the Committee decided to review additional records to determine whether there were other potential general election refunds associated with this address. The Committee determined that there were four other general election

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contributions that were refunded on the same date to four contributors at the same address as complainant, and all four Committee refund checks were cashed. See Exhibit B. Based on the Committee's review, it appears that one of the four contributions was endorsed by the original contributor. However, it also appears possible – albeit not definitive – that three of the contributions may have been endorsed and deposited by someone other than the contributor. The Committee comes to this concern by its own non-expert comparison of the endorsement signatures with the contributor signatures on the contribution form obtained by the Committee at the time the contributions were made. These contributions were made by credit card originally, thus, the Committee asked for and received contributor signatures as part of the routine contribution process. Copies of the contribution forms for each contributor with the signatures are attached as Exhibit C.

As a result of its own review, the Committee is unable to conclusively determine whether the refunds that were timely issued by the Committee in August 2008 were received by the contributors of record who made the contributions and signed the contributor forms. In light of the complaint, the Committee determined that it would not be appropriate for it to contact either the contributors directly to confirm receipt or the entities which appear to be named on the endorsement of the Committee refunds to determine whether there is a valid reason for the course of action taken by the recipients of the Committee checks. As part of this determination, and because the Committee is unable to further ascertain necessary facts, given the filing of the complaint, the Committee has determined not to reissue any refund checks at this time, as such action would cause the Committee to have refunded the same contribution(s) twice.

Most importantly, the Committee had no information at the time of its receipt of the contributions to indicate that there was potentially any issue with the making thereof. The contribution forms contained detailed compliance language pertaining to the limitations and prohibitions of the Federal Election Campaign Act (the "Act"), as well as a contributor signature requirement attesting specifically to the fact that the contributor is "making this contribution with my own personal funds and not with funds provided by any other person." These contributors all signed. As indicated above, until reviewing this matter upon receipt of the complaint herein, the Committee had no reason to conclude that these contributions raised a concern. As also indicated above, at this time and given the filing of the complaint, the Committee has determined not to seek an additional statement from the contributors attesting to the contributions being made solely from personal funds without reimbursement, a step that the Committee would routinely take in the absence of the filing of a complaint.

Accordingly, because the Committee's actions demonstrate that it has acted appropriately with respect to the contributions in question, Respondents respectfully request that the Commission find that there is no reason to believe that the Committee has committed any violation of the Act. If additional information is required for this determination, the Committee will take appropriate steps to provide it.

Respectfully submitted,

  
Lyn Utrecht

  
Eric Kleinfeld

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